

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CIVIL DIVISION - LAW

JAMES NACE and APRIL NACE, as : NO. 15-0333  
Guardians of E.N., a minor, :

Plaintiffs :

vs. :

ERIC ROMIG, PENNRIDGE SCHOOL :  
DISTRICT, DR. THOMAS CREEDEN and:  
DAVID BABB, :

and :

FAITH CHRISTIAN ACADEMY, RYAN :  
CLYMER, RUSSELL HOLLENBACH, :

Defendants :

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DEPOSITION OF ANNETTE SMITH

Taken in the law offices of  
Drake, Hileman and Davis, 252 West Swamp Road, Suite 15,  
Doylestown, Pennsylvania, on Wednesday, November 18, 2015,  
commencing at 2:00 p.m., by Stacy D. Serba, Notary Public.

\* \* \*

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ANNETTE SMITH

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ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

## ANNETTE SMITH

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1 (It is stipulated by and between  
2 counsel for the respective parties that all  
3 objections except as to the form of the question are  
4 reserved until the time of trial, and the reading,  
5 signing and sealing of the deposition transcript is  
6 waived.)

7 ANNETTE SMITH, having been duly  
8 sworn, was examined and testified as follows:

9 \* \* \*

10 EXAMINATION

11 BY MR. KEMETHER:

12 Q. Good afternoon. I'm Sean Kemether and I  
13 represent Ryan Clymer and Russ Hollenbach in a  
14 litigation that we're here for.

15 Your deposition is about to be taken.  
16 And a right that you have as a witness is to read and  
17 sign the transcript, which is the book that's going  
18 to be created after everything is said and done  
19 today. You'll notice that the court reporter's  
20 taking down everything that I'm saying, and she does  
21 likewise when you speak, as well.

22 Once that gets produced, you have the  
23 right to read and sign, which means you get to review  
24 it to make sure that she took down everything that  
25 you say correctly. It's not an opportunity to change

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1 your testimony, but rather to review and you say --  
2 if you believe that you said something different than  
3 what was taken down, you have a right to let us know  
4 that. If you want to make that arrangement, let us  
5 know and we will have it sent to you and you'll have  
6 the opportunity to make that change. Just let us  
7 know any time before we leave today.

8 A. Okay.

9 Q. Thank you for coming today. We're here for  
10 your deposition. And a deposition is a question and  
11 answer session. One difference out of ordinary  
12 conversations is that it's sworn court testimony that  
13 you're about to give. Even though we're not in a  
14 courthouse, you're about to give sworn testimony.

15 Once you answer a question, I'll assume  
16 you heard it and understood it and that you're  
17 answering it truthfully to the best of your  
18 knowledge. Okay?

19 A. Okay.

20 Q. If you don't understand my question, let me  
21 know and I'll rephrase it.

22 Try to remember to use words in answering  
23 questions. It sounds obvious, but in day-to-day  
24 life, people do things like nod their head, shrug  
25 their shoulders and say uh-huh or huh-uh. You can do

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1 all of those things, but in addition to that you have  
2 to say words because that's all the court reporter  
3 can take down.

4 Try to remember to wait for me to finish  
5 before you answer and I'll try to do likewise when  
6 you're answering. The main reason for that is for  
7 the court reporter's benefit. If we speak at the  
8 same time, it's make her job very difficult. Just  
9 take a moment and make sure I'm finished speaking and  
10 I'll try to do likewise with you.

11 I don't want you to guess the answer to  
12 anything. If you don't know or don't remember  
13 something, please tell me that. I might ask for  
14 things involving measurements of things like time,  
15 for instance, how long ago an event happened, and in  
16 all likelihood you may not know exactly how long  
17 something was, but you might be able to give an  
18 estimate or a range. For those type of measurement  
19 questions, if you can give a range, try to. If  
20 you're just pulling numbers out of the sky, let me  
21 know -- tell me that and don't guess. Okay?

22 If you need to take a break for any  
23 reason during this deposition, including to go to the  
24 bathroom, use the phone, whatever it may be, just  
25 need to stretch your legs or something, let me know.

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1 We'll make that arrangement. I just ask that you  
2 don't do it in the middle of answering a question.  
3 Answer the question and then we'll go from there.  
4 Okay?

5 Any question before we get started?

6 A. No.

7 Q. Okay. What is your full name?

8 A. Annette Smith.

9 Q. What is your date of birth?

10 A. 2/10/64.

11 MR. KEMETHER: And off the record.

12 (Discussion off the record.)

13 MR. KEMETHER: Let's go back on the  
14 record. On the record. I asked the witness her  
15 Social Security number while we were off the record  
16 and she declined to give it, which is fine.

17 BY MR. KEMETHER:

18 Q. Where do you live?

19 A. You want an address?

20 Q. Yes.

21 A. 219 Stonehaven Drive, Red Hill, PA, 18076.

22 Q. And about how long have you lived there?

23 A. Fourteen years.

24 Q. Currently, who do you live there with?

25 A. My husband.

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- 1 Q. And that's Kevin Smith?
- 2 A. Uh-huh. That's correct.
- 3 Q. How long have you been married to Kevin
- 4 Smith?
- 5 A. Fourteen years.
- 6 Q. I understand Emily Mayer is your daughter?
- 7 A. Yes.
- 8 Q. She's your biological daughter?
- 9 A. Correct.
- 10 Q. All right. When did she last live with you?
- 11 A. Full time, I would say probably 2012. 2011,
- 12 2012.
- 13 Q. What year did she graduate from high school?
- 14 A. 2010.
- 15 Q. Okay. Going to ask some background
- 16 questions about her. Before I get to that, a little
- 17 more about you. What do you do for a living?
- 18 A. I am a senior specialist at Merck.
- 19 Q. And what sort of work do you do?
- 20 A. I work on their grant program.
- 21 Q. Where did -- is it all right to call her
- 22 Emily?
- 23 A. Uh-huh. Correct.
- 24 Q. Where did Emily start high school?
- 25 A. She started high school -- I mean, she was

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1 in the same school from fourth grade to 10th grade  
2 and that was Calvary Baptist.

3 Q. And did I understand she left there after  
4 ninth grade?

5 A. No. She left February of 10th grade.

6 Q. February of 10th grade. Roughly halfway  
7 through 10th grade?

8 A. Correct. Correct.

9 Q. Why did she leave there?

10 A. She was having trouble with the students  
11 there.

12 Q. Would you explain what you mean by that?

13 A. Sure. It's a small private school. And the  
14 girls are pretty unkind at times, very clicky. We  
15 were not from that school -- I mean, she wasn't kind  
16 of born and raised in that environment, in that  
17 church. So, we didn't come to a relationship with  
18 the Lord until that -- that year. And so she was  
19 never really accepted.

20 My husband and I were divorced and  
21 remarried. So generally you're kind of, like, on the  
22 outside.

23 Q. When you say we didn't come to God, who are  
24 you talking about?

25 A. Pretty much the whole family, except my

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1 husband. He was a believer before we got married.

2 And so it was a difficult environment to be in and

3 Emily was not real accepted.

4 Q. Was there a certain issue or topic that she  
5 was having to deal with with these other girls that  
6 you describe as not being so nice or was it just  
7 anything?

8 A. It was pretty much anything. I mean, they  
9 were just pretty much unkind. Since it was a divorce  
10 situation, she wasn't, you know, with us on the  
11 weekends, so she went to her dad -- her biological  
12 father's house. So that's unusual in that  
13 environment.

14 And, you know, the girls, they're just  
15 not real understanding, not real accepting. There  
16 wasn't anything that triggered it. There wasn't an  
17 event. It was a culmination of really just not a  
18 good -- a good, healthy environment. So, in that  
19 February we decided to pull her out.

20 Q. Okay. And where did she then attend high  
21 school for the rest of her sophomore year?

22 A. Upper Perk.

23 Q. Upper Perkiomen High School?

24 A. Yes.

25 Q. A public school?

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1 A. That's correct.

2 Q. And how long did she remain there?

3 A. She finished that grade there. So that was  
4 until June.

5 Q. So roughly half of the school year?

6 A. Uh-huh.

7 Q. Yes?

8 A. Correct. I'm sorry.

9 Q. One thing I should have mentioned, you have  
10 to -- I understand uh-huh, but you have to say the  
11 word.

12 A. Yes.

13 Q. Why did she not return there for her junior  
14 year of high school?

15 A. Again, it wasn't an environment we wanted  
16 her in.

17 Q. Can you explain what you mean by that?

18 A. Upper Perk is a pretty big party school.

19 And Emily was put into situations where she would  
20 have to make decisions, you know, am I going to go  
21 one way or am I going to do the other and it was just  
22 not a good situation. She picked two girls as  
23 friends that Kevin and I didn't approve of.

24 Q. Do you know their names?

25 A. No. I don't remember, to be honest with

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1 you.

2 Q. What was it about them that you didn't  
3 approve of?

4 A. The lying. You know, the one girl, Emily  
5 would go and stay at this one girl's house and that's  
6 where we thought she would be and come to find out  
7 she would be at somebody else's house.

8 Q. Emily would be at someone else's house?

9 A. That's correct. And, you know, because she  
10 was in a Christian environment for many years, that  
11 was not acceptable. It wasn't acceptable to us and  
12 we just weren't going to continue with that  
13 situation. So we were faced with another decision.

14 Q. And is that the point where she -- where did  
15 she go from there?

16 A. She went to Faith.

17 Q. And that would have been for her junior and  
18 senior years of high school?

19 A. That's correct.

20 Q. All right. Before she got to Faith  
21 Christian Academy, was she involved in any sports in  
22 school?

23 A. Yes. But not at Upper Perk because they  
24 didn't have -- I don't think they had volleyball and  
25 basketball was over, I think, at that point. That's

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1 my recollection.

2 Q. Were those the two sports she generally was  
3 involved in before going to --

4 A. That's correct.

5 Q. -- Faith Christian?

6 A. Yes.

7 Q. Did she become -- is volleyball a fall  
8 sport?

9 A. In the Christian schools, yes.

10 Q. So the fall of her junior year of high  
11 school, was she involved with volleyball at Faith  
12 Christian Academy?

13 A. Yes.

14 Q. As fall turned to winter, did she become  
15 involved in girls basketball?

16 A. That's correct.

17 Q. Is that when she met Eric Romig?

18 A. Yes. She probably knew him before that  
19 because it was the opposing team when she was at  
20 Calvary.

21 Q. Do you know that to be true? In other  
22 words, are you aware that she actually knew Eric  
23 Romig?

24 A. When you say --

25 Q. Prior to --

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1 A. She would know of him.

2 Q. That's what I mean. When I say know him,  
3 meaning --

4 A. I don't know if she knew him or not.

5 Q. All right. Did Emily report anything to you  
6 about any issues, anything irregular about her  
7 experience being on the girls basketball team at  
8 Faith Christian during her junior year of high  
9 school?

10 A. No.

11 Q. Did you get meet Coach Romig during that  
12 year?

13 A. Yes.

14 Q. Was there anything unusual about that, any  
15 time you spent with him, anything you learned from  
16 him, about him, during that year?

17 A. Not that I recall.

18 Q. Was there anything unusual that happened  
19 during the junior school year in general with Emily  
20 other than she had a favorable experience at Faith  
21 Christian during that year?

22 A. We were pretty happy with the experience.

23 Q. And we also includes Emily?

24 A. I wouldn't want to speak for her, but I  
25 would think she, you know, did.

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1 Q. From your observations of her, was that  
2 true?

3 A. Yes. Uh-huh.

4 Q. Okay. Was there some sort of a ball or a  
5 social gathering at the end of the junior year?

6 A. A banquet.

7 Q. A banquet. And do you know what that was  
8 about?

9 A. The situation there?

10 Q. No. First of all, the banquet itself.

11 A. Oh, yes.

12 Q. What was the banquet about?

13 A. It's typical for Christian schools. It's  
14 like a prom, but it's a little bit more controlled.  
15 You know, they get dressed up, they -- you know, they  
16 have a dinner. Generally they don't dance, but, you  
17 know, it's a gathering like that.

18 Q. Okay. And she attended that one?

19 A. She did.

20 Q. Is that one the parents attend, too, or is  
21 it just for the students?

22 A. Parents do not attend that.

23 Q. Did you learn anything about what happened  
24 at that junior year event that we're talking about?

25 A. Yes.

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1 Q. How did you learn?

2 A. The best of my recollection was we got a  
3 phone call from Ryan that there was an incident after  
4 the banquet.

5 Q. And Ryan, being Ryan Clymer?

6 A. That's correct.

7 Q. What do you recall him telling you?

8 A. That there was a party after the banquet and  
9 that Emily was there and that there was drinking.

10 Q. Was there anything else said about what  
11 happened at that party?

12 A. No.

13 Q. Did Ryan say anything else aside from that  
14 there was a party that Emily was at?

15 A. That -- you know, there was a situation then  
16 that we had to deal with.

17 Q. That's what he said to you?

18 A. I don't remember his exact words, but, yeah.

19 Q. What did you understand --

20 A. It was unacceptable, you know, the behavior  
21 of Emily and the kids there, it was unacceptable.  
22 You don't drink, you know, shouldn't have been a  
23 party like that.

24 Q. The issue was that there was a drinking  
25 party, that was the unacceptable behavior?

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1 A. Uh-huh.

2 Q. Yes?

3 A. Yes.

4 Q. Did something happen to her as a result of  
5 her being at that party in terms of attending Faith  
6 Christian?

7 A. That she had to do counseling with Pastor  
8 Ron.

9 Q. When did you learn that was going to be a --  
10 something she had to do?

11 A. I think when Ryan called.

12 Q. So it would have been in June?

13 A. Yeah. That's correct.

14 Q. Were you ever told that she was either  
15 suspended or asked not to come back to the school?

16 A. Doing the counseling was kind of a  
17 stipulation to have her go back.

18 Q. Did Ryan say to you, communicate to you in  
19 some way, that she had been -- basically we don't  
20 want her back, but if she does X, Y and Z, she can  
21 come back?

22 A. I don't recall how he said it. You know, I  
23 don't know that -- it wasn't a suspension, it was --  
24 you know, this is unacceptable behavior for the kids  
25 that go to Faith, for Emily to continue here, she has

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1 to do the counseling.

2 Q. All right. When did the counseling start?

3 A. I don't remember exactly if we did it over  
4 the summer or if -- I guess we did. I just -- I  
5 don't recall.

6 Q. How long did the counseling continue?

7 A. Maybe five sessions.

8 Q. Did you ever learn anything about the  
9 counseling itself, either from Emily or someone else  
10 involved with the counseling?

11 A. I attended one session.

12 Q. What do you recall about that?

13 A. I don't remember much about it. It was at  
14 Pastor Ron's house.

15 Q. Did you learn anything other than from  
16 attending that one session about what happened in  
17 those five counseling sessions?

18 A. No. No.

19 Q. Did Emily complain about it to you?

20 A. No.

21 Q. Do you have an idea of when it ended, when  
22 the last one was? Was it in the fall of her senior  
23 year, spring, some other time?

24 A. I would say it was probably towards the end  
25 of summer.

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1 Q. So the counseling happened basically before  
2 her senior year started?

3 A. Yes.

4 Q. Did you get any communication from Faith  
5 Christian that, okay, the counseling's done, she can  
6 go to school here again, something to that effect?

7 A. I remember a phone call.

8 Q. And was this after the counseling had  
9 finished?

10 A. Before the -- before the school year  
11 started.

12 Q. Who was that phone call from?

13 A. From Ryan Clymer.

14 Q. Okay. What do you remember about that phone  
15 call?

16 A. Just that she was, you know, approved to  
17 return. There were four or five kids that had that  
18 same requirement.

19 Q. All right. During -- I'm going to jump back  
20 a little bit here. During her junior year of high  
21 school at Faith Christian, did she become friends  
22 with Chelsie Romig?

23 A. Yes.

24 Q. And did you understand Chelsie to be Eric  
25 Romig's stepdaughter?

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1 A. Yes.

2 Q. How would you describe her relationship in  
3 her junior year between Emily and Chelsie?

4 A. They were very close.

5 Q. Did you get to see Chelsie outside of the  
6 basketball court setting?

7 A. Yes. She stayed at our house a couple  
8 times.

9 Q. Do you know if the nature of that  
10 relationship changed during Emily's senior year of  
11 high school?

12 A. After the situation came to light, yes, it  
13 changed.

14 Q. During the fall of 2000 -- the fall of 2009,  
15 which would have been the fall of her senior year,  
16 did she -- do you understand that she had a friend --  
17 an ongoing friendly relationship with Chelsie Romig?

18 A. Yes.

19 Q. Roughly when did basketball start in her  
20 senior year? What time period?

21 A. Probably starts in November.

22 Q. All right. Do I understand that the events  
23 that gave rise to some issues you had with Coach  
24 Romig, you learned about something shortly before  
25 Christmas?

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21

1 A. Yes.

2 Q. All right. So would it be fair to say that  
3 roughly for a month or so, at least, before that,  
4 Chelsie -- or Emily was playing basketball under  
5 Coach Romig?

6 A. Yes.

7 Q. Did you notice anything that was different  
8 or unusual or a problem about either Emily or Coach  
9 Romig during that time?

10 A. No.

11 Q. Did you have any interactions with Coach  
12 Romig before learning of the texting?

13 A. I'm sorry. Could you repeat that?

14 Q. That year, in the fall of her senior year,  
15 did you have any -- you yourself have any  
16 interactions with Coach Romig before you learned of  
17 that texting situation?

18 A. Probably at the school, you know, during  
19 volleyball games or he'd say hello. And if Chelsie  
20 stayed over -- I remember one particular time he came  
21 to pick her up.

22 Q. Was that before learning of the texting  
23 situation?

24 A. Yes.

25 Q. Anything unusual about any of those

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22

1 interactions?

2 A. No.

3 Q. Can we agree that within a week or so before  
4 Christmas day of Emily's senior year, you somehow  
5 learned of a texting situation that was going on  
6 between her and Eric Romig?

7 A. It was probably December 21st or 22nd.

8 Q. Do you recall how you learned of it?

9 A. Emily came home from school early.

10 Q. Yes.

11 A. And came in and we were surprised that she  
12 was home. And asked her why she was there and she  
13 told us what happened.

14 Q. Okay. When you say early, can you ballpark  
15 how early?

16 A. I would say probably between 11 and 12,  
17 maybe. It was pretty early.

18 Q. Would this have been the last day before the  
19 winter break, the Christmas break in terms of  
20 attending school?

21 A. I remember it to be that last day. But I  
22 could be wrong.

23 Q. So you're at home and Emily comes home early  
24 that day, you say you learn something. What  
25 happened?

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1 A. She told us that she went to Ryan Clymer and  
2 told him about the situation with coach, that he had  
3 been texting her inappropriately.

4 Q. To the best of your memory, is that what she  
5 actually said or are you summarizing it?

6 A. I'm summarizing it. I don't remember  
7 exactly. It wasn't a lot of words. She was upset.

8 Q. As best you can remember, what did she  
9 actually say that day? When she got home from  
10 school.

11 A. That she was sent home. She went to Ryan  
12 Clymer because of the situation with her coach,  
13 Romig, texting her inappropriately. If I remember  
14 correctly, she said that Ryan did not want her at the  
15 school for her safety.

16 Q. Did she tell you for what period of time?

17 A. No.

18 Q. I might have interrupted you.

19 A. That's okay.

20 And so then we asked her, well, what --  
21 you know, what do you mean he was texting you  
22 inappropriately.

23 Q. What did she say?

24 A. And she said -- I don't remember exactly,  
25 but, you know, they were things about wanting to, you

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1 know, be with her. We were all pretty shocked, I  
2 remember that. And, you know, she was pretty upset.  
3 We were pretty upset.

4 Q. And be with her, did you understand that to  
5 mean sexually?

6 A. We didn't get into details. So that's --  
7 you know, we wanted to try to pull that out, like  
8 what are you talking about.

9 Q. Did you ask questions to that effect to her,  
10 to be more clear as to what she meant?

11 A. We did. She was really pretty upset and it  
12 was very difficult to get her to -- to open up about  
13 it, so that's when we then asked her to write things  
14 down. We didn't -- I think that Kevin probably asked  
15 her, do you have the text messages, and she said no,  
16 which was not unusual to us.

17 Q. What wasn't unusual?

18 A. That she would delete her text messages just  
19 because at that time cell phones, you didn't have a  
20 lot of memory and the kids texted so much that you'd  
21 wipe everything out so that, you know, you could keep  
22 texting your friends. So that -- it wasn't a  
23 surprise to us that she didn't have anything current.

24 Q. Okay. And do you believe that first  
25 evening -- that morning, I should say, when she got

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25

1 home, you asked her to write things down?

2 A. Yes.

3 Q. And did you -- was that basically a one page  
4 piece of paper?

5 A. Yes.

6 Q. And did she actually write it or type it up?

7 A. I think she was on a computer.

8 Q. And do I understand that some time later,  
9 from the records, it looked like right around New  
10 Year's or New Year's Eve, you e-mailed that to Ryan  
11 Clymer?

12 A. That's correct.

13 Q. Was there anything before the end of 2009  
14 that Emily told you that this was an actual content  
15 of his -- Eric Romig's texts?

16 A. Pretty much what was written down on the  
17 paper. There wasn't anything that she went into  
18 detail about. She did tell us how he didn't like  
19 Chase, wanted her to, you know, break up with Chase.

20 Q. Chase is Chase Brunner, who she's now  
21 married to?

22 A. That's correct. Emily did not like to talk  
23 about the sexual nature of it. She just didn't.

24 Q. And that's actually -- are you aware that  
25 she told anyone that there was a specific sexual

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

Appendix 0669

ANNETTE SMITH

26

1 nature to any of these texts?

2 A. Only Chase.

3 Q. You're aware that she told Chase this?

4 A. Yes.

5 Q. How did you find that out?

6 A. Because she told us.

7 Q. Emily told you that she told Chase what?

8 A. The nature of the texts.

9 Q. Did she tell you when she told Chase this?

10 A. I don't remember.

11 Q. I mean, was it in this time frame or years

12 later?

13 A. No. It was in that time frame. Whether it

14 was a week or two weeks, or over that course of that

15 month that it was going on, I just don't remember

16 exactly.

17 Q. Have you ever spoken to Chase Brunner about

18 whatever Emily told him about the contents of these

19 texts between your daughter and Eric Romig?

20 A. Probably after the fact.

21 Q. You did?

22 A. Yes.

23 Q. And did Chase respond to you?

24 A. Yes.

25 Q. What did Chase tell you was in these texts?

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

Appendix 0670

ANNETTE SMITH

27

1 A. He did not remember a lot of things. He  
2 knew that they were inappropriate.

3 Q. Did he tell you there was anything sexual  
4 about any of the texts?

5 A. I don't remember.

6 Q. Has anyone to your memory told you that  
7 there was anything sexual about any of the texts  
8 besides whatever is in Emily's one page summary that  
9 you asked her to prepare?

10 A. No one else said anything.

11 Q. Would that one page be the most complete  
12 description of whatever was in those texts that  
13 you're aware of?

14 A. That I'm aware of.

15 Q. Okay. So go back in time now. We're at  
16 your house on the 20th or the 21st of December of  
17 2009 and Emily's come home and told you what you just  
18 related to us.

19 What happens next?

20 A. We called the school to speak with Ryan  
21 Clymer.

22 Q. Same day?

23 A. Same day.

24 Q. All right. Did you reach him?

25 A. I don't remember if we reached him that day

ANNETTE SMITH

28

1 or if we left a message and --

2 Q. Do you have a memory of him -- whether it  
3 was the same day, next day -- hearing from him?

4 A. ----- Yes. We did hear from him.

5 Q. What do you remember about that?

6 A. It was a short teleconference, short phone  
7 call with him. We wanted to schedule a time to  
8 discuss it. He was going away. We didn't -- it was  
9 not a long conversation.

10 Q. Okay. Was there anything discussed about  
11 specifically what had happened?

12 A. I don't remember the details.

13 Q. I'm talking about during this particular  
14 phone call.

15 A. I don't remember, to be honest.

16 Q. Jumping back a hair. Did Emily tell you  
17 what led her to go to Ryan Clymer's office that day?

18 A. Mrs. Alderfer.

19 Q. What did she say in that regard?

20 A. That -- that she had told Mrs. Alderfer's  
21 daughter and another friend -- she did tell us that,  
22 that she had told those two girls. And I guess Mrs.  
23 Alderfer had overheard it or her daughter told her.  
24 So then she saw Emily in the hall or in the classroom  
25 or something and said we need to go down.

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

Appendix 0672

ANNETTE SMITH

29

1 Q. Did Emily mention anything about Chase  
2 Brunner going with her to speak to Ryan Clymer?

3 A. No. It was only Mrs. Alderfer.

4 Q. And is it Allie Alderson is the daughter?

5 A. Allie Alderfer was her name then.

6 Q. Was that one of your daughter's friends  
7 during her senior year of high school?

8 A. Yes.

9 Q. You were aware of that?

10 A. Yes.

11 Q. You mentioned that your daughter told a  
12 second person. Do you know who that was?

13 A. I think it was Fatime and I don't know what  
14 her last name is.

15 Q. Now, we go back to the phone conversation  
16 that you had with Ryan Clymer, the first one after  
17 learning of these texts. What was the end result of  
18 that phone conversation?

19 A. That he would be looking into the situation.  
20 I don't know. He may have spoke directly to my  
21 husband. I don't know if we were on speaker phone or  
22 not. That he would look into the situation. He was  
23 aware of it. And, you know, the holiday was coming,  
24 so we would hear back from him, you know, at a later  
25 time. And that Emily could -- there might have been

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

Appendix 0673

ANNETTE SMITH

30

1 games or practices during that holiday time and Emily  
2 was not to go back.

3 Q. Okay. When is the next time you recall  
4 communicating with Ryan Clymer?

5 A. After the holiday.

6 Q. Just so we're clear, there's actually two.

7 A. Right.

8 Q. Which holiday are we talking about?

9 A. I would say it was probably after Christmas  
10 because at some point we were told that she could go  
11 back to school. So it had to have been, you know --  
12 it couldn't have been right after New Year's because  
13 she returned to school. You know what I mean?

14 Q. All right. So was that a phone call?

15 A. Yes, again.

16 Q. So somewhere after Christmas, but before New  
17 Year's, you think there was a second phone  
18 conversation with Ryan Clymer?

19 A. Correct.

20 Q. Were you involved in that one?

21 A. Yes.

22 Q. What do you remember about it?

23 A. That she was able to return and that they  
24 were going to have Coach Romig resign.

25 Q. Anything else you remember about that phone

ANNETTE SMITH

31

1 conversation?

2 A. I do not remember.

3 Q. Did Coach Romig -- did -- if I said Coach  
4 Romig, I meant Ryan Clymer. -- Anything else about that  
5 phone conversation with Ryan Clymer that you recall?

6 A. No.

7 Q. The second one.

8 A. It was pretty short again. Not a lot of  
9 discussion. You know, my main concern was what was  
10 going to happen to Emily.

11 Q. Do you think that you had e-mailed him the  
12 copy of that list that Emily had prepared before this  
13 conversation, the second conversation?

14 A. I don't know if it was before or after. I  
15 think we were waiting for some phone records to come  
16 in and -- because my husband had pulled the -- you  
17 know, the logs. So I think that we may have sent  
18 that with.

19 Q. Did you and/or your family take any steps to  
20 try to find if you could actually recover any of the  
21 texts themselves as opposed to the phone bill showing  
22 when texts happened?

23 A. Yes. Kevin -- we either called Verizon or,  
24 you know, tried to get information from Verizon's  
25 website to get the content.

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

32

1 Q. Do you recall what you learned in those  
2 efforts?

3 A. Needed a subpoena, I believe, if I remember.  
4 I think we spoke to his divorce attorney to see what  
5 her thoughts were.

6 Q. And did you or your husband take any steps  
7 beyond speaking to the divorce attorney or Verizon to  
8 learn how to get the -- to get the -- the actual  
9 texts?

10 A. Kevin spoke with Henry Thompson, who had  
11 given him a name of another attorney.

12 Q. Okay. And did your husband, to your  
13 knowledge, speak to that other attorney?

14 A. We did not. We weren't -- we were unable to  
15 make contact. He tried.

16 Q. He called and the attorney didn't call back,  
17 you're saying?

18 A. Correct.

19 Q. Did you and your husband call any other  
20 attorneys?

21 A. No.

22 Q. Did you and your husband call the district  
23 attorney's office?

24 A. No.

25 Q. Were there any other conversations with Ryan

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES



ANNETTE SMITH

33

1 Clymer before school resumed after the Christmas and  
2 New Year's holidays?

3 A. Not that I recall.

4 Q. When school resumed after those two  
5 holidays, do I understand that Emily was playing on  
6 the team?

7 A. Correct.

8 Q. That Emily was in school?

9 A. Yes.

10 Q. That Eric Romig was no longer coaching the  
11 team?

12 A. That's correct.

13 Q. Did Emily continue for the remainder of the  
14 basketball season playing on the team?

15 A. Yes.

16 Q. All right. Did there come a point where you  
17 had some sort of communication with Ryan Clymer  
18 thanking him for his efforts to deal with this  
19 matter?

20 A. It was part of a communication. It was part  
21 of an e-mail I had sent him. That's how I closed the  
22 e-mail.

23 Q. Was that after the New Year's?

24 A. Uh-huh.

25 MR. RUSSELL: That's a yes?

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

Appendix 0677

ANNETTE SMITH

34

1 THE WITNESS: Yes.

2 Q. That was shortly after the New Year's  
3 holiday?

4 A. It was in January.

5 Q. Was there a specific reason you wrote that  
6 e-mail, other than to express your gratitude?

7 A. The e-mail was -- it was the e-mail where --  
8 did I send him the document that -- there were a  
9 couple e-mails that I had sent him. So I don't  
10 remember which one that was. It was either when I  
11 sent him the document --

12 Q. I'll represent to you that the one on  
13 December 31st is the one where you sent him Emily's  
14 list. And that was not in that e-mail.

15 A. Okay. Thank you. So it was the  
16 following -- the next e-mail where we had a concern  
17 because the coach was coming to the games and sitting  
18 down on the floor with the girls. And, you know,  
19 that -- I closed it, thank you for your continued,  
20 you know, support. We were hoping that there would  
21 still be -- the resolution was, yes, he would, you  
22 know, resign. But we were hoping to be able to, you  
23 know, continue to work with Ryan.

24 Q. Okay. I am -- can you just clarify what you  
25 mean by that?

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

Appendix 0678

ANNETTE SMITH

35

1 A. To make sure that Emily was safe, you know.  
2 You keep your lines of communication good. I mean, I  
3 would not want to, you know, not correspond that way.

4 Q. Okay. So tell me if I'm getting this  
5 correct. You were satisfied that Coach Romig was no  
6 longer coaching the basketball team right after New  
7 Year's, correct?

8 A. Yes, correct.

9 Q. Your concern after New Year's was not that  
10 he was actually coaching the team, he was not?

11 A. That's correct.

12 Q. But he was going to the games and sitting  
13 close to the bench?

14 A. Correct.

15 Q. While the games were going on?

16 A. Correct.

17 Q. Was his daughter still on the team?

18 A. Yes.

19 Q. Did Ryan respond to you about your concern  
20 about having the coach either at the games or so  
21 close to the bench at the games?

22 A. I don't remember what the response was.

23 Q. Whatever the response was, were you unhappy  
24 with it, with that part of it?

25 A. I wasn't happy with the situation.

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

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1 Q. What part of the situation were you not  
2 happy about?

3 A. That he was still coming, was still in --  
4 not in contact, but still in the environment was  
5 really what I was pretty unhappy about.

6 Q. And just so we're clear, when you say the  
7 environment, you mean still allowed to go to games?

8 A. Yes.

9 Q. Was there anything beyond being allowed to  
10 go to games that you were dissatisfied with?

11 A. Not that I recall.

12 Q. Did you ever express anything to anyone at  
13 Faith Christian Academy that you wanted the district  
14 attorney, the police, some other law enforcement  
15 agency involved in this situation?

16 A. No.

17 Q. Do you know if your husband did?

18 A. Not that I'm aware.

19 Q. Do you know if your daughter did?

20 A. Not that I'm aware. I would think not.

21 Q. In the -- in 2010, from the beginning of the  
22 year until she graduated, did Emily ever express to  
23 you any sentiments that she was unhappy with the way  
24 that the Ryan -- the Eric Romig situation had been  
25 handled?

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

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1 A. Not that I remember, no.

2 Q. Did there come a point in time when Eric  
3 Romig stopped --

4 A. Could we go back to that question?

5 Q. Sure.

6 A. Because maybe I wasn't thinking of it  
7 correctly. She never voiced to me that she was  
8 unhappy the way it was handled. The situation she  
9 was unhappy with, the way the team treated her.

10 Q. Okay.

11 A. That was very uncomfortable. And she wasn't  
12 happy about that.

13 Q. Okay. We'll get into that in a minute. I  
14 just want to be clear. Did she ever express to you  
15 during her senior year of high school after Coach  
16 Romig stopped coaching the team that she was  
17 dissatisfied with how the school handled dealing with  
18 Eric Romig?

19 A. No. She never said that.

20 Q. You mentioned that she did express some sort  
21 of dissatisfaction about how -- after the incident  
22 had been handled with Coach Romig, the way she was  
23 treated by some of the other girls on the team?

24 A. Yes.

25 Q. Was it the whole team, part of the team?

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

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1 A. It was pretty much the whole team.

2 Q. And did she tell you what she was unhappy  
3 about in that regard?

4 A. The way they treated her, on court, off  
5 court.

6 Q. Let's talk about how they treated her off  
7 court.

8 A. Off court, nobody really talked with her  
9 much anymore. The people that were her close friends  
10 really didn't have a lot to do with her.

11 Q. Who were her close friends on the team?

12 A. Chelsie, Ashley -- was it Ashley? Makowski  
13 was her last name. Becca. Just remembering first  
14 names, sorry.

15 Q. That's fine.

16 A. There was a girl that lived close to us and  
17 for the life of me I can't remember her first name.  
18 But I know her sister's name was Sarah. And she was  
19 very close with Coach Romig and with Chelsie, as  
20 well. So those were -- it's such a small school and  
21 the grade was so small. It's not like you had your  
22 basketball friends and other friends. That was your  
23 friends.

24 Q. Aside from not talking to Emily, was there  
25 anything else that Emily was upset about with how

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

Appendix 0682

ANNETTE SMITH

39

1 these girls were treating her?

2 A. Not that I remember. I don't remember  
3 details.

4 Q. Did she relate anything about any specific  
5 act -- affirmative acts that they did to her?

6 A. No. Not off the court.

7 Q. Now, on the court, you expressed that she  
8 told you that she had some problems with the way they  
9 treated her on the court. What did she tell you?

10 A. She told us and we watched -- I mean, nobody  
11 would pass her the ball. She was, you know, a pretty  
12 high scorer. She was generally in the Reporter for  
13 her playing. And it was very obvious that they --  
14 you know, they were not including her in the play.

15 Q. And did you or she talk to the coach, the  
16 new coach about that?

17 A. I don't remember if we did. I don't think  
18 so.

19 Q. Do you recall the coach expressing any  
20 concern about how the team was playing and basically  
21 they only had four players on offense?

22 A. No. There were no discussions about it.

23 Q. Okay. Did the nature of her relationship  
24 with the other girls on the team change during the  
25 remainder of her senior year? You told me that they

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

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1 basically stopped talking to her. Did that change?

2 A. It did get -- I mean, it got a little bit  
3 better and she was able to finish the year.

4 Q. Was there anything specific that you became  
5 aware of in terms of her relationship with Chelsie  
6 Romig, communications that they had with each other?

7 A. No.

8 Q. Did her relationship with Chelsie Romig ever  
9 change, to your knowledge?

10 A. No. It --

11 Q. It went down and didn't come back?

12 A. It never came back.

13 Q. All right. Are you -- are you aware prior  
14 to learning that Eric Romig had been arrested, that  
15 you, your husband, your daughter, anybody else in  
16 your family wanted to go to the police about Eric  
17 Romig?

18 A. No.

19 Q. Or to the district attorney?

20 A. No.

21 Q. Or that any of you wanted Faith Christian to  
22 report anything about Eric Romig to government  
23 authorities of any kind?

24 A. I mean, we assumed when we went to the  
25 school that that would have been the course of

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES



ANNETTE SMITH

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1 action. But it didn't happen that way. And the  
2 resolution was that he was going to, you know, resign  
3 and that -- I don't remember if he said specifically  
4 that they didn't have to report. But it just -- that  
5 did not happen.

6 Q. Okay. I just want to clarify something you  
7 said a moment ago. You said you assumed that Faith  
8 Christian would report to some sort of government  
9 agency about your daughter's texting interactions  
10 with Eric Romig?

11 A. Correct.

12 Q. What did you base that assumption on?

13 A. That -- that's what you do, you know, if you  
14 have a situation like this, you know, with a minor,  
15 that it would be reported to authorities.

16 Q. How did you know that?

17 A. I don't know that -- how I knew it. It  
18 wasn't, like, something I read. But, you assume that  
19 that's --

20 Q. That's your assumption?

21 A. Right.

22 Q. Did you ever ask Ryan Clymer if he had done  
23 that?

24 A. In that second conversation?

25 Q. Ever.

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

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1 A. No. In the second conversation, he told us  
2 that he had a discussion with someone, whether it was  
3 a -- I don't remember if it was a police officer or  
4 a --- somebody with Bucks County. He had a discussion  
5 with them and they were told that they didn't have to  
6 report or something to that effect.

7 Q. That's something that you understand Eric --  
8 Ryan Clymer told you?

9 A. In that second phone conversation.

10 Q. Did you tell him that that was not  
11 acceptable to you?

12 A. No.

13 Q. Do you know if your husband said that was  
14 unacceptable to him?

15 A. No.

16 Q. Did your daughter say that that was not  
17 acceptable to her?

18 A. No.

19 Q. Did you or your husband feel it was for you  
20 to report it to any state or local government  
21 authorities about anything pertaining to Eric Romig's  
22 texting relationship with your daughter?

23 A. No.

24 Q. Some time in 2013, you learned that Eric  
25 Romig had been arrested?

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

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- 1 A. (Witness nods head.)
- 2 Q. How did you learn that?
- 3 A. Newspaper. Well, on-line paper.
- 4 Q. And at that point, did you contact any
- 5 government -- any police or government authorities?
- 6 A. In the article, they asked if you had any
- 7 information and, you know, to contact these two
- 8 detectives, so that's what my husband did.
- 9 Q. Your husband did that?
- 10 A. Yes.
- 11 Q. Are you aware what your husband told the
- 12 detectives?
- 13 A. I don't know the conversation, no.
- 14 Q. Did you ever speak to the detectives?
- 15 A. Only when we met with them, which was after
- 16 that.
- 17 Q. And you say we, who is we?
- 18 A. My husband and Emily and I had a meeting
- 19 with two detectives.
- 20 Q. Was it one meeting?
- 21 A. Yes.
- 22 Q. Was that shortly after you learned that Eric
- 23 Romig had been arrested?
- 24 A. Yes.
- 25 Q. What do you remember about that meeting?

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

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1 A. We went to meet them in Langhorne and they  
2 went through the -- kind of the same questioning with  
3 Emily, you know, what -- you know, the time line,  
4 what took place. I don't remember if Emily brought  
5 even the documentation that we had given Faith. I  
6 can't remember. And we sat with them for maybe an  
7 hour or so. They didn't really question me very  
8 much.

9 Q. Do you remember what they asked -- they --  
10 most of the questioning was to your daughter?

11 A. That I remember.

12 Q. Do you remember what they asked her and what  
13 she told them?

14 A. Basically the time line of events, what  
15 happened. They did ask her about content, you know,  
16 could she recall the content.

17 Q. Do you know if she wrote something up for  
18 them?

19 A. I don't know if she wrote something  
20 different or if she brought the document that we  
21 have. I don't remember.

22 Q. I'll represent to you that there's actually  
23 a different document that was supplied.

24 A. Okay.

25 Q. Do you know if any of the three of you

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

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1 advised the detectives that the document from 2009  
2 had been made?

3 A. I don't remember.

4 Q. Is that something that's still in your  
5 family's records?

6 A. I would --

7 Q. The ones she did when you learned of the  
8 texting incident.

9 A. I would think it's somewhere on a hard  
10 drive.

11 Q. Was there any other interactions with the  
12 investigators after Eric Romig's arrest of your  
13 daughter or you and your husband?

14 A. No.

15 Q. By the time that your daughter graduated,  
16 which was the spring of 2010, did you feel that Ryan  
17 Clymer had done anything wrong in terms of how he  
18 handled the situation with Eric Romig?

19 A. I didn't really think about it. You know,  
20 the issue was done and closed. And we just really  
21 wanted Emily to graduate and get away from the  
22 environment, get away from the situation and kind of  
23 move on.

24 Q. And has your husband ever told you that he  
25 felt that Ryan Clymer didn't do anything -- did

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

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1 something improper or didn't handle the situation  
2 properly in some manner?

3 A. I don't know that we had conversations. I  
4 mean, you know, the situation was what it was and we  
5 trusted what he said, you know, that this person,  
6 whether Bucks County police officer or someone,  
7 advised him that, you know, he didn't have to report,  
8 so we kind of trusted it. You know -- you know in  
9 your own mind -- I mean Emily was 17, I guess almost  
10 18, so, you know, in your own mind, well, she's not  
11 16, she's not before 16, she's not a minor, you know,  
12 what -- what really had to take place, what -- we  
13 just didn't know.

14 Q. Did you have a specific understanding back  
15 in 2009 and 2010 of what type of events, what had to  
16 be reported or required to be reported to state  
17 agencies or local agencies?

18 A. I did not.

19 Q. And do you know if your husband did?

20 A. I don't know.

21 Q. Your husband was involved in law enforcement  
22 for a while before all this happened?

23 A. Before I knew him.

24 Q. Are you aware if he contacted anybody he  
25 knew in law enforcement to figure out the answer to

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

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1 that question as far as what was required?

2 A. I don't believe so.

3 MR. KEMETHER: I don't think I have  
4 any further questions, but some of the other  
5 attorneys will. Thanks so much.

6 THE WITNESS: Thank you.

7 \* \* \*

8 EXAMINATION

9 BY MR. RUSSELL:

10 Q. Miss Smith, my name is Jonathan Russell and  
11 I represent the Faith Christian defendants. And I do  
12 have some questions for you that I want to go  
13 through.

14 You had indicated that you are employed  
15 at Merck. Is that right?

16 A. That's correct.

17 Q. And you're actually a communications  
18 specialist. Is that accurate? Or something like  
19 that?

20 A. No. I'm a senior -- it's called a senior  
21 specialist. We have job categories. And I'm a grant  
22 coordinator.

23 Q. I just saw -- just on some information that  
24 you were awarded as communications and project  
25 manager lead across several divisions, so some aspect

ELECTRONIC REPORTING STENOGRAPHIC AFFILIATES

ANNETTE SMITH

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1 of your job involves communication?

2 A. That was an appointed role. I was the  
3 communications lead for the women's employee resource  
4 group. It was a two year role.

5 Q. And as part of that, you were responsible  
6 for developing and implementing a multi-faceted  
7 annual communication plan?

8 A. Correct.

9 Q. So you had skills in communicating. Would  
10 that be accurate?

11 A. Correct.

12 Q. Do you still have those skills?

13 A. Yes.

14 Q. It said you also -- this is, I assume,  
15 something that you presented, but you seek new and  
16 innovative ways to communicate with and grow the  
17 global marketing -- I'm sorry -- global membership of  
18 4300 employees?

19 A. Correct.

20 Q. So you're trying to allow communication  
21 between those 4300 employees?

22 A. Yes.

23 Q. And I think you touched on this. That you  
24 removed her from -- Emily from Calvary mid year. You  
25 didn't want her to finish that year. And that was

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ANNETTE SMITH

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1 because -- had basketball just ended and you thought  
2 that was a good time to make the change? Or what was  
3 the thinking? Why not wait until the end of the  
4 year, why do it mid year?--

5 A. Basketball had ended and she was really  
6 pretty unhappy and pretty miserable. You know, she  
7 had been sick that year, I think earlier in the year.  
8 Every year Emily kind of gets mono at the same time.  
9 And when she returned, some of the girls were pretty  
10 mean about it.

11 Q. Okay.

12 A. It was just really not a healthy environment  
13 and had enough to pull her out.

14 Q. And then you said you didn't want her to  
15 continue at Upper Perk because she was hanging around  
16 with some friends that you didn't find acceptable and  
17 she was lying to you?

18 A. That's correct.

19 Q. Did she -- when -- when she went on to  
20 Faith, did she continue to deceive you in any way  
21 with regard to her behavior at Faith?

22 A. No.

23 Q. At Faith, did you know about the party that  
24 she went to after --

25 A. No. That was --

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- 1 Q. -- the banquet?
- 2 A. I'm sorry. That was the one thing that she
- 3 was dishonest about there.
- 4 Q. Was that the last time that she was
- 5 dishonest with you?
- 6 A. Yes.
- 7 Q. Now, if you didn't want her to continue at
- 8 Faith Christian, you could have pulled her out like
- 9 you did at Calvary, right?
- 10 A. At what point?
- 11 Q. At any -- say if you -- like unhappy, you
- 12 know, the coach is inappropriately texting her, let's
- 13 pull her out. That was something that you would make
- 14 the decision or you and your husband?
- 15 A. Right. We would have made the decision. I
- 16 mean, sports was a really big thing for Emily. And
- 17 if -- our options were to pull her out and home
- 18 school her. And that would have --
- 19 Q. Just trying to think it through. You're
- 20 paying tuition to Faith, right?
- 21 A. Yes.
- 22 Q. You're paying for them to educate your
- 23 child?
- 24 A. Yes.
- 25 Q. So if you were -- you know, it's one thing

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1 if you're in public school, I guess, you know, you're  
2 paying through taxes, but there you're actually  
3 paying them. But you had the ability to just yank  
4 her out and say I'm not going to pay tuition to the  
5 school if they're handling it this way, right?

6 A. Right.

7 Q. Now for a period of time Emily did live with  
8 her biological father. When was that? From when to  
9 when?

10 A. We had shared custody.

11 Q. So what type of arrangement was that?

12 A. She would be with me and Kevin during the  
13 week and then she'd go down to her dad's on the  
14 weekend. And that happened really from the  
15 beginning, you know, when we were divorced through  
16 probably 2007, 2008.

17 Q. And what changed then?

18 A. She had asked to live with us. It was an  
19 environment she didn't want to be in.

20 Q. What was your understanding of that  
21 environment?

22 A. My ex-husband had a girlfriend, long time  
23 girlfriend that he was with. And there were three  
24 other children there. They were kind of the  
25 priority, Emily was not. And, you know, she was

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1 sad -- you know, she'd go down on the weekends and  
2 everything surrounded the boy sports. If Emily had  
3 games, she was dropped off and everybody went to the  
4 boy sports.

5 Q. I think your husband when he was deposed, he  
6 said he didn't feel that Emily felt she was getting  
7 the attention she deserved. Would that be an  
8 accurate statement?

9 A. That's correct. And I think it was more  
10 than that. You know, the -- the love wasn't there,  
11 you're not feeling, you know, very cared for.

12 Q. Did she ever do anything that you felt was  
13 to gain attention in any way?

14 A. No. There was more -- it wasn't only the  
15 sports aspect down there. There was a girl that  
16 lived there. You know, she would take Emily's  
17 clothes, the girlfriend wouldn't correct the  
18 situation. So there was a lot, you know, going on.

19 Q. So she just didn't feel that that was a good  
20 place where she wanted to be?

21 A. Right.

22 Q. How would you characterize the relationship  
23 between you and the administration at Faith Christian  
24 Academy before this e-mail inappropriateness came to  
25 light?

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1 A. I mean, I guess it was okay. We didn't  
2 really have a lot of interactions. I mean, other  
3 than the banquet situation. And Ryan was very, you  
4 know, open about what happened and what he would do  
5 and I liked Pastor Ron and my interactions. I'm  
6 not -- at that point in time Emily was a junior,  
7 senior, I'm not there all the time. You know, I  
8 wasn't a volunteer there. So, I didn't -- there  
9 wasn't a lot of interaction with the administration.

10 Q. And did that relationship change at all  
11 after this incident came to light? Did you feel that  
12 your relationship -- you would characterize it any  
13 different?

14 A. Yeah. I would say it was different. I  
15 think we were pretty put off by the way we were not  
16 given the attention that we felt we would have -- or  
17 should have gotten. I mean, we had two phone  
18 conversations, very difficult to get those scheduled,  
19 we did feel kind of put off and, you know, not  
20 addressed. So it was -- --

21 Q. One thing that I learned in going through  
22 this, it didn't seem like anyone ever closed the  
23 communication loop with you. And I don't think that  
24 you may not have been aware what Ryan did, but it  
25 doesn't sound like -- and I'll find out as I ask you

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1 some questions. But would that be an accurate --  
2 that you didn't feel that you were informed of the  
3 investigation process?

4 A. Right. Right. I mean, I don't think we --  
5 were informed of any of that at all. And I think as  
6 a parent, you know, I don't have to know your  
7 confidential details, but I think we should have been  
8 more in the loop other than just she can come back  
9 and he's not here. So it left a bad taste.

10 Q. Did you ever conclude that Ryan Clymer  
11 should have done something differently than what he  
12 had informed you that he did? What were your  
13 expectations that he would have done, if you had any,  
14 than what was communicated to you?

15 A. I don't know that I would have had an  
16 expectation that he would have done any particular  
17 thing.

18 Q. What about --

19 A. Other than resolve it for my daughter.

20 Q. And did you feel it was resolved for your  
21 daughter?

22 A. Yes.

23 Q. Because they, too, found that the -- at  
24 least the volume of text messages were clearly  
25 inappropriate and Mr. Romig was no longer able to

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1 coach, right?

2 A. Correct.

3 Q. What about you and your husband, did you  
4 conclude that you and your husband should have done  
5 something or anything different than what you did as  
6 a result of this incident?

7 MR. GROTH: At what point?

8 Q. At any point, in retrospect.

9 A. At the time, no, with all the information  
10 that we knew and understood. In hindsight, would you  
11 like me to answer that?

12 Q. Sure. Let's do it both ways. But at the  
13 time you didn't feel that you or your husband needed  
14 to do anything different. And at what point did that  
15 change?

16 A. I mean, it changes now, you know, when you  
17 know what continued to happen. I would have driven  
18 to the school that day, I would have been in his  
19 office, I would have been demanding of his time and  
20 his attention. I would have been more involved to  
21 know what -- what are you doing.

22 Q. And what changed for you in that regard to  
23 make that distinction?

24 A. That some other child was, you know, taken  
25 advantage of by him.

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1 Q. And by that other child, you mean Elizabeth  
2 Nace?

3 A. Yes.

4 Q. ~~And that's the student at Pennridge?~~

5 A. Correct.

6 Q. Did you ever tell -- you may have been asked  
7 this, but maybe not this way. Did you ever tell Ryan  
8 Clymer or anyone else at the school that you thought  
9 that they handled the investigation improperly?

10 A. No.

11 Q. If you felt the investigation wasn't being  
12 handled properly at the time, would you have told  
13 someone?

14 A. Yes.

15 Q. Now, your husband was a former Montgomery  
16 County detective and that was before you were married  
17 to him, correct?

18 A. Correct.

19 Q. Do you know if he still maintained any  
20 contacts at the Montgomery County district attorney's  
21 office?

22 A. Not that I was ever aware.

23 Q. And he's also an IT specialist, right?

24 A. Correct.

25 Q. And part of the issue here was trying to get

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1 the text messages off of Emily's cell phone, right?

2 A. Correct.

3 Q. And you also spoke to -- at least he --

4 Kevin spoke to his attorney. Is that right?

5 A. That's correct.

6 Q. Do you know if he talked to the attorney  
7 about what was disclosed in these messages?

8 A. I don't know. I wasn't part of the  
9 conversations.

10 Q. Do you know whether the attorney ever told  
11 him that he needs to go and report this to the police  
12 or he needs to go and report it to the district  
13 attorney's office? He, being Kevin.

14 A. I don't -- I don't recall.

15 Q. Did you feel that Ryan Clymer was responsive  
16 to your request during the investigation?

17 A. I mean, I guess he was. It wasn't, you  
18 know, the way you would professionally want it to be,  
19 you know.

20 Q. But was he responsive enough to your  
21 satisfaction?

22 A. Yes.

23 Q. Were there any requests of yours that Ryan  
24 Clymer did not respond to?

25 A. I mean, the coach still being at the games

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1 and sitting on the floor was really an issue for me.

2 I realized that he had a daughter there.

3 Q. Sure.

4 A. ~~It's a tough situation.~~ I think I would

5 have wished that that would have been handled

6 differently.

7 Q. How would you have liked to have seen that  
8 handled?

9 A. I would have liked to have seen him not be  
10 able to see the games.

11 Q. At all?

12 A. At all.

13 Q. Regardless of whether his daughter was on  
14 the team?

15 A. Right.

16 Q. Did you believe that Ryan Clymer or anyone  
17 at FCA ever concealed anything which was later  
18 revealed, either in news media or paper or from  
19 communications with Attorney Groth?

20 A. They didn't conceal anything because we  
21 didn't have conversations.

22 Q. I mean later, after this came out, the  
23 situation with Elizabeth Nace and maybe whatever you  
24 read in the paper and said, oh, Faith Christian knew  
25 something else and they didn't disclose that? Did

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1 you ever have that impression or --

2 A. I didn't think of it, no.

3 Q. As far as you know, Faith Christian Academy  
4 has never concealed anything to you regarding their  
5 investigation?

6 A. They never shared anything about the  
7 investigation.

8 Q. I'll get into that in a little bit. Ryan  
9 Clymer has been deposed already and I just want to  
10 gain an understanding of whether this refreshes your  
11 recollection at all concerning the dynamics. And  
12 it's about getting the content of the e-mails.

13 It said -- he was asked, did you ask him,  
14 meaning Kevin Smith, your husband, to get the  
15 content. And Ryan's response was, I did ask him to  
16 get the content. And then the question was, did you  
17 ask him why he didn't get the content. And then his  
18 answer was, he told me he had to subpoena the records  
19 to get them. And he said he's willing to do that,  
20 but pretty much the same thing Mayer said, as well,  
21 they both said they were going to do it and never  
22 did. Didn't Mr. Smith tell you that in order to get  
23 the actual texts, he would need a subpoena. And  
24 answer was, who would need a subpoena, Mr. Smith.  
25 Question, Mr. Smith. Answer, absolutely, yes.

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1                   And then the question was, and didn't he  
2   tell you that the only way to get a subpoena is to  
3   get an outside agency that can issue a subpoena to do  
4   that. Answer, no. He said the way you do it is you  
5   have to go to the police, bring up a charge and then  
6   subpoena them.

7                   Question, okay. Did you do that.

8   Answer, he said he was going to do that. And then  
9   the question again was, he said he was going to do  
10   that. The answer was yes.

11                   Did your husband ever indicate he was  
12   going to go to the police and try to get them to pull  
13   up the texts?

14   A.           No.

15   Q.           Did you ever communicate to Ryan Clymer that  
16   you were going to try to get the texts?

17   A.           Not that I recall.

18   Q.           And you guys had the phone, right?

19   A.           Correct.

20   Q.           You never gave the phone to Ryan Clymer and  
21   said, look, here's the phone, try to get these texts?

22   A.           No.

23   Q.           Did you believe -- and even as I read this  
24   now -- that Ryan Clymer was of the impression that if  
25   this investigation was to go further, you or your

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1 husband was going to get the actual texts messages?

2 A. Can you repeat that again, please?

3 Q. Sure.

4 -----MR. RUSSELL:-- What did I say? -----

5 (Whereupon, the reporter read back the  
6 referred-to portion of the record.)

7 A. We were never going to get the text  
8 messages.

9 Q. And why was that?

10 A. I mean, because we were -- Ryan was handling  
11 it, so.

12 Q. But understanding that he had to handle the  
13 part -- component with the school, but he can't get  
14 the text messages from your daughter's phone.

15 A. Right.

16 Q. And you had your daughter's phone?

17 A. Right. I'm sorry.

18 Q. So what we're trying to find out through  
19 here, there seems to be one piece that was not able  
20 to be completed and that was getting the actual text  
21 messages. At any time -- does this refresh your  
22 recollection, too -- did you indicate to Ryan that  
23 you or your husband were going to be trying to get  
24 those actual texts messages?

25 A. I don't know. I did not communicate that to

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1 him. Maybe Kevin communicated that. But I don't  
2 know.

3 Q. In fact, Ryan said he did follow up with Mr.  
4 Smith to see if he ever did that. And then he says,  
5 I think it was the end of January, beginning of  
6 February, he said that they still hadn't. Things had  
7 gotten better between Emily and the girls on the  
8 team.

9 Do you remember things getting better  
10 between Emily and the girls on the team?

11 A. That never happened.

12 Q. It did not?

13 A. (Witness shakes head.)

14 Q. But you don't know whether your husband may  
15 have said that -- told that to Ryan?

16 A. I'm quite certain he didn't.

17 Q. And why are you quite certain?

18 A. Because we didn't have any more  
19 communications.

20 Q. And then he also testified, at the end of  
21 January, the beginning of February, I said, Mr.  
22 Smith, how are things going. And he said, Annette  
23 and I -- this is Ryan -- Annette and I had been  
24 communicating via e-mails about different things that  
25 were going on. And he said, things have calmed down,

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1 Emily's -- you know, things are better, we're holding  
2 off right now, but we'll probably -- may still get  
3 the records.

4 ..... Do you remember any discussion about .....  
5 trying to get those text messages?

6 MR. GROTH: Can you tell us what  
7 pages you're on?

8 MR. RUSSELL: Sure. This is Page  
9 137 through 141.

10 MR. GROTH: Thank you.

11 MR. RUSSELL: Of Ryan Clymer's  
12 deposition.

13 BY MR. RUSSELL:

14 Q. And then the question was, how was that  
15 finally resolved. And the answer was, how was what  
16 finally resolved. Question, the issue of trying to  
17 get the content of these records, these text records  
18 with a subpoena. Was it just dropped or did Mr.  
19 Smith say to you that he just decided not to or did  
20 you tell him not to bother, how was it resolved. And  
21 the answer was, no, I didn't tell him not to bother,  
22 it was kind of, like, I guess he didn't. I asked Mr.  
23 Romig again back in January. He said he was going  
24 to. And then I followed up with Mr. Smith, which was  
25 at the beginning of February, end of January, some

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1 time at the end of basketball season, whenever that  
2 was. He still didn't know what he was going to do  
3 from his standpoint. The next time I talked with the  
4 Smiths in person was after graduation, I believe.  
5 And that was the last time that Kevin and I had  
6 spoken. I think Annette was there, as well. And  
7 they just thanked me for everything that I had done  
8 in the investigation for their daughter.

9 Does that refresh your recollection at  
10 all?

11 A. None of that ever occurred.

12 Q. Did you ever have a conversation with Mr.  
13 Clymer at graduation?

14 A. No.

15 Q. Do you know why you didn't pursue getting --  
16 trying to get the text messages from the phone that  
17 you had of your daughter's?

18 A. I don't remember specifics of why we didn't.  
19 I know that we couldn't get them through Verizon.  
20 You would have to have a subpoena. And, you know, he  
21 had tried the one angle with the one attorney and  
22 that didn't work out. And because it wasn't -- you  
23 know, it wasn't going to be reported, then, you know,  
24 it didn't have to be reported.

25 Q. Did you know that you could report it if you

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1 wanted to?

2 MR. GROTH: Object to the form.

3 Q. At that time. You can go ahead and answer  
4 it.

5 A. So did I know at that time?

6 Q. That you could report it.

7 A. I mean, I guess I did.

8 Q. And your husband was a former Montgomery  
9 County detective, right?

10 A. Uh-huh.

11 Q. Yes?

12 A. Yes.

13 Q. You had indicated that you sent an e-mail  
14 and you wanted to try to keep the lines of  
15 communication open with Ryan and that's why you were  
16 thanking him at that time. Is that right?

17 A. That's correct.

18 Q. And did you feel that those lines of  
19 communication remained open throughout the course of  
20 Emily's continuation of her school career there at  
21 Faith?

22 A. I mean, I guess they would have if we needed  
23 to communicate. But there was -- there was no  
24 communication.

25 Q. And the one -- this does seem like a

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